

**ELECTION PRECINCTS AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies requirements for precincts.

**Highlighted Provisions:**

This bill:

- ▶ limits the variation of active voters per precinct; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-5-303**, as last amended by Laws of Utah 2011, Chapter 335

**20A-5-804**, as enacted by Laws of Utah 2017, Chapter 32

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **20A-5-303** is amended to read:

**20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**

**Common polling places -- Combined voting precincts.**

(1) As used in this section:



(a) "Absolute deviation" means the difference between the number of active voters in a precinct in the county and the ideal number of active voters for a precinct in the county.

(b) "Ideal number of active voters" means the number of active voters in a county divided by the number of precincts in the county.

(c) "Relative deviation" means the absolute deviation of a precinct in the county divided by the ideal number of active voters for a precinct in the county.

~~[(1)]~~ (2) (a) After receiving recommendations from the county clerk, the county legislative body may establish, divide, abolish, and change voting precincts.

(b) Within 30 days after the establishment, division, abolition, or change of a voting precinct under this section, the county legislative body shall file with the Automated Geographic Reference Center, created under Section 63F-1-506, a notice describing the action taken and specifying the resulting boundaries of each voting precinct affected by the action.

~~[(2)]~~ (3) (a) The county legislative body shall alter or divide voting precincts so that each voting precinct:

(i) contains ~~[not]~~ no more than 1,250 active voters~~[-]; and~~

(ii) has a relative deviation of no greater than 25%.

(b) The county legislative body shall:

(i) identify ~~[those precincts that may reach the limit of active voters in a precinct under]~~ each precinct that does not comply with Subsection ~~[(2)]~~ (3)(a) or that becomes too large to facilitate the election process; and

(ii) except as provided by Subsection ~~[(3), divide those precincts]~~ (4), on or before January 1 of a general election year, reapportion precincts so that each precinct in the county complies with Subsection (3)(a).

~~[(3)]~~ (4) A county legislative body shall ~~[divide a precinct identified under Subsection (2)(b)(i)]~~, on or before January 31 of a regular general election year that immediately follows the calendar year in which the Legislature divides the state into districts in accordance with Utah Constitution, Article IX, Section 1, reapportion the precincts in the county, if necessary, to comply with Subsection (3)(a).

~~[(4)]~~ (5) Notwithstanding Subsection ~~[(2)]~~ (3)(a) and except as provided by Subsection ~~[(5)]~~ (6), the county legislative body may not:

(a) establish or abolish any voting precinct after January 1 of a regular general election

59 year;

60 (b) alter or change the boundaries of any voting precinct after January 1 of a regular  
61 general election year; or

62 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a  
63 year immediately preceding the year in which an enumeration is required by the United States  
64 Constitution and the day on which the Legislature divides the state into districts in accordance  
65 with Utah Constitution, Article IX, Section 1.

66 ~~[(5)]~~ (6) A county legislative body may establish, divide, abolish, alter, or change a  
67 voting precinct on or before January 31 of a regular general election year that immediately  
68 follows the calendar year in which the Legislature divides the state into districts in accordance  
69 with Utah Constitution, Article IX, Section 1.

70 ~~[(6)]~~ (7) (a) For the purpose of voting in an election, the county legislative body may  
71 establish a common polling place for two or more whole voting precincts.

72 (b) At least 90 days before the election, the county legislative body shall designate:

73 (i) the voting precincts that will vote at the common polling place; and

74 (ii) the location of the common polling place.

75 (c) A county may use one set of election judges for the common polling place under  
76 this Subsection ~~[(6)]~~ (7).

77 ~~[(7)]~~ (8) Each county shall have at least two polling places open for voting on the date  
78 of the election.

79 ~~[(8)]~~ (9) Each common polling place shall have at least one voting device that is  
80 accessible for individuals with disabilities in accordance with Public Law 107-252, the Help  
81 America Vote Act of 2002.

82 Section 2. Section **20A-5-804** is amended to read:

83 **20A-5-804. Voting Equipment Grant Program -- Qualifications for receipt --**  
84 **Matching funds -- Acceptable uses.**

85 (1) As used in this section:

86 (a) "Program" means the Voting Equipment Grant Program created in this section.

87 (b) "Proportional reimbursement rate" means the dollar amount equal to the product of:

88 (i) the total amount of funds appropriated by the Legislature to the program; and

89 (ii) the quotient of:

(A) the total number of active voters in a county; and

(B) the total number of registered voters in the state.

(2) (a) There is created the Voting Equipment Grant Program as a grant program to assist counties in purchasing new voting equipment systems.

(b) The lieutenant governor shall administer the program using funds appropriated by the Legislature for the purpose of administering the program.

(3) (a) ~~[After January 1, 2018, a]~~ A county may submit a proposal to the Office of the Lieutenant Governor to participate in and receive funds from the program.

(b) A proposal described in Subsection (3)(a) shall:

(i) describe the current condition of the voting equipment used by the county;

(ii) describe the county's need for a new voting equipment system;

(iii) describe how the county plans to comply with the requirements described in Subsection (4), including:

(A) a description of how the county plans to provide the matching funds described in Subsection (4)(b) if the proposal is accepted; and

(B) a schedule by which the requirements will be met; and

(iv) contain a detailed estimate of the gross cost of procuring a new voting equipment system.

(4) A county that receives funds through a program grant:

(a) shall use the funds to purchase a new voting equipment system that:

(i) meets the requirements of Section 20A-5-802;

(ii) creates a secure and auditable paper record of each vote; and

(iii) complies with any additional binding requirement made under Subsection 20A-5-803(8) by the Voting Equipment Selection Committee;

(b) shall, for the purpose of purchasing a new voting equipment system, appropriate matching funds equal to or greater than the difference of:

(i) the amount described in Subsection (3)(b)(iv) in the proposal that the lieutenant governor accepts under Subsection (6)(b); and

(ii) the amount the lieutenant governor is required to disburse to the county under Subsection (7)(a);

(c) may not use funds disbursed under Subsection (6)(b)(i)(D) or appropriated under

Subsection (4)(b) for a purpose or in a manner that is not authorized by this section;

(d) except as provided in Subsection (5), may not, after using a new voting equipment system in an election that was purchased under this section, use voting equipment that does not meet the requirements described in Subsection (4)(a); and

(e) shall purchase a new voting equipment system described under Subsection (4)(a) that provides the best value to the county with consideration for the new voting equipment system's:

(i) cost of maintenance;

(ii) estimated operational lifetime; and

(iii) cost of replacement.

(5) A county that receives funds through the program may use voting equipment that does not comply with the requirements described in Subsection (4)(a)(ii) or (iii):

(a) to the extent that using the voting equipment is necessary to accommodate a person with a disability in accordance with the requirements described in Subsection 20A-3-302(6)(b), 20A-3-603(1)(c), 20A-5-303[(8)] (9), or 20A-5-403(2)(b)(iii); or

(b) if the county purchased the voting equipment before receiving grant funds under Subsection (7)(a).

(6) Upon receipt of a proposal described in Subsection (3), the lieutenant governor shall:

(a) review the proposal to ensure that:

(i) the proposal complies with the requirements described in Subsection (3); and

(ii) the cost estimate described in Subsection (3)(b)(iv) appears to be reasonable; and

(b) (i) if the proposal complies with the requirements described in Subsection (3), the cost estimate appears to be reasonably accurate, and sufficient program funds are available:

(A) accept the proposal;

(B) notify the county clerk of the county that submitted the proposal that the proposal is accepted;

(C) notify the county clerk of the requirements described in Subsection (7); and

(D) disburse the funds described in Subsection (7)(a), in accordance with the requirements described in Subsection (7)(b), to the county that submitted the proposal; or

(ii) if the proposal does not comply with the requirements described in Subsection (3),

152 the cost estimate does not appear to be reasonable, or sufficient program funds are not  
153 available:

154 (A) reject the proposal; and

155 (B) notify the county clerk of the county that submitted the proposal that the proposal  
156 is rejected, indicating the reason that the proposal is rejected.

157 (7) The lieutenant governor:

158 (a) shall disburse funds under Subsection (6)(b)(i)(D) equal to the lesser of:

159 (i) 50% of the amount described in Subsection (3)(b)(iv) in the proposal that the  
160 lieutenant governor accepts under Subsection (6)(b); or

161 (ii) the proportional reimbursement rate; and

162 (b) may not disburse funds under Subsection (6)(b)(i)(D):

163 (i) until the county appropriates the matching funds described in Subsection (4)(b); or

164 (ii) if the disbursement would cause the county's total receipt of funds from the  
165 program to exceed the proportional reimbursement rate.